

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ANTONIO VILLANUEVA AYALA,

Petitioner,

VS.

TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE,

Respondent.

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CIVIL ACTION NO. C-10-124

**OPINION AND ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at the Garza East Unit in Beeville, Texas (D.E. 1). Petitioner challenges his November 22, 2009, conviction for Burglary of a Habitation (*Id.*). He was sentenced by the 216<sup>th</sup> Judicial District Court of Kerr County Texas, to serve ten years in the custody of the Texas Department of Criminal Justice (*Id.*).


A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Bee County, located in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(4).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Kerr County, it is more convenient for this action to be handled in the San Antonio Division of the Western District of

Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the San Antonio Division of the Western District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division.

SIGNED and ORDERED this 17th day of May, 2010.

  
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Janis Graham Jack  
United States District Judge